

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

WESLEY HATTEN-LOVETT

VS.

FEDERAL BUREAU OF
INVESTIGATION

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CIVIL NO. 4:22-CV-100-P

**ORDER RECOMMENDING DISMISSAL
AND RETURNING CASE TO DISTRICT JUDGE**

The above-styled and numbered action, which was filed by *pro se* Plaintiff Wesley Hatten-Lovett on February 8, 2022, was automatically referred to the United States Magistrate Judge pursuant to a standing order of this Court. On May 12, 2022, the Court entered an Order Regarding Failure to File Proof of Service in which it gave Plaintiff until May 26, 2022 to file “either proof of proper service as required by Rule 4.1 of the Local Civil Rules of the Northern District of Texas or an instrument in affidavit form establishing good cause why such proof cannot be filed.” The Order further stated that, Plaintiff’s failure to comply would result in the Court recommending dismissal of this action without further notice.

On May 17, 2022, Plaintiff filed a document in letter form that, *inter alia*, stated:

The Federal Bureau of Investigation was served on my behalf through the secretary of state. I did include the documents I received from the secretary. I am trying my best to respond in a timely manner to all orders issued from the courts. Unfortunately I am not working with a lawyer so some responses may not be as quick.

(Plaintiff’s May 17, 2022 Letter [doc. 5] .) Attached to the letter was, *inter alia*, a letter dated May 19, 2021 from Ruth R. Hughs, Secretary of State of the State of Texas, that stated:

I, the undersigned, as Secretary of State of the State of Texas, DO HEREBY CERTIFY that according to the records of this office, a copy of the Citation and Subpoena for Documents or Tangible Things and Plaintiff’s Original Petition [] in the cause styled:

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was received by this office on March 16, 2021, and that a copy was forwarded on March 18, 2021, by CERTIFIED MAIL, return receipt requested to:

Federal Bureau of Investigation
935 Pennsylvania Ave NW
Washington, DC 20535

As of this date, no response has been received by this office.

(*Id.* at p. 3.)

Plaintiff's response and attachments, however, fail to comply with the Court's May 12, 2022 Order Regarding Failure to File Proof of Service for several reasons, including: (1) the letter from the Secretary of State of the State of Texas is dated prior to the date in which this case was filed and refers to a different case in a different court and (2) Plaintiff's response was not in affidavit form and fails to establish good cause as to why proof of service in this case is not available. Consequently, the Court **RECOMMENDS** that the above-styled and numbered cause be **DISMISSED** for failing to comply with the Court's order.

**NOTICE OF RIGHT TO OBJECT TO PROPOSED
FINDINGS, CONCLUSIONS AND RECOMMENDATION
AND CONSEQUENCES OF FAILURE TO OBJECT**

Under 28 U.S.C. § 636(b)(1), each party to this action has the right to serve and file specific written objections in the United States District Court to the United States Magistrate Judge's proposed findings, conclusions and recommendation within fourteen (14) days after the party has been served with a copy of this document. The United States District Judge need only make a *de novo* determination of those portions of the United States Magistrate Judge's proposed findings, conclusions and recommendation to which specific objection is timely made. *See* 28 U.S.C. §

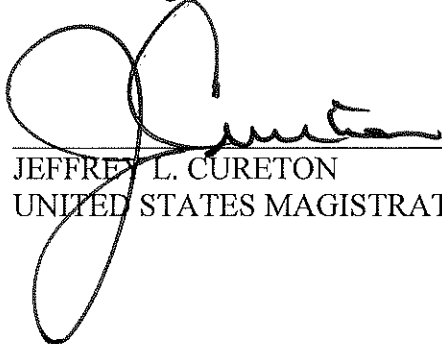
636(b)(1). Failure to file, by the date stated above, a specific written objection to a proposed factual finding or legal conclusion will bar a party, except upon grounds of plain error or manifest injustice, from attacking on appeal any such proposed factual findings and legal conclusions accepted by the United States District Judge. *See Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending time to file objections from ten to fourteen days).

ORDER

Under 28 U.S.C. § 636, it is hereby **ORDERED** that each party is granted **until June 20, 2022** to serve and file written objections to the United States Magistrate Judge's proposed findings, conclusions and recommendation. It is further **ORDERED** that if objections are filed and the opposing party chooses to file a response, the response shall be filed within seven (7) days of the filing date of the objections.

It is further **ORDERED** that the above-styled and numbered action, previously referred to the United States Magistrate Judge for findings, conclusions and recommendation, be and hereby is returned to the docket of the United States District Judge.

SIGNED June 6, 2022.



JEFFREY L. CURETON
UNITED STATES MAGISTRATE JUDGE